

Introduced by Senator Romero

February 23, 2006

An act to amend Section 7501 of the Family Code, relating to child custody.

LEGISLATIVE COUNSEL'S DIGEST

SB 1482, as introduced, Romero. Child custody.

Existing law provides that a parent who is entitled to the custody of a child has a right to change the residence of the child, subject to the power of the court to restrain a removal that would prejudice the rights or welfare of the child.

This bill would authorize a court to deny a noncustodial parent's request to modify custody based on a change of residence of the child, without holding an evidentiary hearing, if the noncustodial parent's allegation or showing of detriment to the child is not substantial in light of all the circumstances presented in the case, or is otherwise legally insufficient to warrant relief.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7501 of the Family Code is amended to
2 read:
3 7501. (a) A parent entitled to the custody of a child has a
4 right to change the residence of the child, subject to the power of
5 the court to restrain a removal that would prejudice the rights or
6 welfare of the child.
7 (b) *A trial court may deny a noncustodial parent's request to*
8 *modify custody based on a change of residence of the child*

1 *without holding an evidentiary hearing, if the noncustodial*
2 *parent's allegation or showing of detriment to the child is not*
3 *substantial in light of all the circumstances presented in the case,*
4 *or is otherwise legally insufficient to warrant relief.*

5 (c) It is the intent of the Legislature to affirm the decision in In
6 re Marriage of Burgess (1996) 13 Cal.4th 25, and to declare that
7 ruling to be the public policy and law of this state.